

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
CIVIL MINUTES--GENERAL

Case No. CV 15-6633 CAS (AJWx)

Date: September 23, 2016

Title: THE WIMBLEDON FUND, SC CLASS TT v. GRAYBOX LLC, et al.

PRESENT: HON. ANDREW J. WISTRICH, MAGISTRATE JUDGE

Kerri Hays
Deputy Clerk

Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:
None Present

ATTORNEYS PRESENT FOR DEFENDANTS:
None Present

ORDER REGARDING DEFENDANTS' EX PARTE APPLICATION FOR A PROTECTIVE ORDER TO STAY PRODUCTION OF DOCUMENTS BY BANK OF AMERICA

The court has reviewed defendants' ex parte application and plaintiff's opposition thereto. The ex parte application is **denied**. First, defendants do not appear to have acted diligently, which disqualifies them from obtaining ex parte relief. If they had raised their objections promptly, this discovery dispute could have been litigated in the orderly manner prescribed by C.D. Cal. L.R. 37. Second, the ex parte application is not accompanied by the underlying motion as required. See Mission Power Eng'g Co. v. Continental Cas. Co., 883 F.Supp. 488, 492 (C.D. Cal. 1995). Instead, defendants appear to have combined the ex parte application and the underlying motion into a single application/motion. Third, the documents sought by the subpoena appear to be relevant. Since the ex parte application has been extensively briefed by both sides and defendants have chosen to present this discovery dispute in one combined application/motion, it best promotes the goals of Fed. R. Civ. P. 1 to resolve the entire dispute, including the underlying motion. Therefore, the underlying motion is **denied** as well. The production by Bank of America in response to the subpoena shall proceed without delay. If defendants would like a protective order regarding confidentiality, which may be warranted, then the parties should present a stipulation and proposed order to the court. The process of negotiating such a stipulation and proposed order, however, shall not delay the production. Plaintiff's request for a award of sanctions is **denied**.

IT IS SO ORDERED.

cc: Parties